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7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 SAN LUIS & DELTA-MENDOTA WATER
11 AUTHORITY and WESTLANDS WATER
DISTRICT,

12 Plaintiffs,

13 v.

14 U.S. DEPARTMENT OF THE INTERIOR;
15 GALE A. NORTON, as Secretary of the U.S.
Department of the Interior; U.S. FISH AND
WILDLIFE SERVICE; STEVE WILLIAMS, as
Director, Fish and Wildlife Service, U.S.
Department of the Interior; STEVE
THOMPSON, as Operations Manager,
California/Nevada Operations Office, Fish and
Wildlife Service, Pacific Region, U.S.
19 Department of the Interior; ANNE BADGLEY,
as Regional Director, Fish and Wildlife Service,
Pacific Region, U.S. Department of the Interior,

21 Defendants,

22 NATIONAL RESOURCES DEFENSE
COUNCIL, et al.,

23 Intervenor-Defendants.

CASE NO. CIV F-02-6461 OWW DLB

**STIPULATION AND ORDER
CONTINUING SCHEDULING
CONFERENCE**

Judge: Hon. Oliver W. Wanger

25 WHEREAS, a scheduling conference in this action is set for January 19, 2006 at
26 8:45 a.m.;

27 WHEREAS, due to a scheduling conflict counsel for Federal Defendants will be
28

1 unable to participate in the January 19, 2006 scheduling conference in this action;

2 WHEREAS, this action involves claims regarding the status and recovery criteria
3 for the delta smelt;

4 WHEREAS, some of the same parties, counsel and claims are involved in a second
5 action before the Court, *California Farm Bureau Federation v. Badgley, et al.*, No. 1:05-CV-1280
6 (“*Badgley*”);

7 WHEREAS, a third action before this Court involving some of the same parties
8 and counsel challenges the biological opinion regarding the effect of project operations on the
9 delta smelt, *National Resources Defense Council v. Norton, et al.*, No. 1:05-CV-01207 OWW
10 (“*Norton*”);

11 WHEREAS, both the *Badgley* and *Norton* cases are set for scheduling conference
12 on February 8, 2006 at 8:45 a.m.;

13 Accordingly, IT IS HEREBY STIPULATED by and among the parties, through
14 their respective counsel, that the scheduling conference in this action currently set for January 19,
15 2006 be continued to February 8, 2006 at 8:45 a.m.

16 Dated: January 11, 2006

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

18 By _____ /s/ Daniel J. O’Hanlon

19 Daniel J. O’Hanlon
20 Attorneys for Plaintiffs SAN LUIS & DELTA-
21 MENDOTA WATER AUTHORITY and
WESTLANDS WATER DISTRICT

22 Dated: January 11, 2006

SUE ELLEN WOOLDRIDGE
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

23

JEAN E. WILLIAMS, Chief
SETH M. BARSKY, Assistant Chief

24

/s/ James A. Maysonett (as authorized on 01/11/06)
JAMES A. MAYSONETT, Trial Attorney
(D.C. Bar # 463856)
Wildlife and Marine Resources Section

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Atorneys for Federal Defendants

4 Dated: January 11, 2006

5 /s/ Andrea Treece (as authorized on 01/11/06)
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13 **ORDER**

14 The Court, having read and considered the foregoing stipulation, and good cause
15 appearing,

16 **IT IS SO ORDERED.**

17
18 Dated: January 12, 2006

/s/ OLIVER W. WANGER

19 Honorable Oliver W. Wanger
United States District Judge